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The present case discards the doctrine of implied invitation to enter, and adopts as its test the removal of any obstruction which would otherwise prevent an entrance. It is supported by *Claiborne v. State*, 113 Tenn. 261, *People v. White*, 153 Mich. 617, and *State v. Sorensen*, (Iowa), 138 N. W. 411.

DAMAGES:—LOSS OF ABILITY TO LABOR.—Plaintiff, who had been incapacitated to perform his accustomed labor by reason of injuries received, was permitted to testify that the inability to work had worried him. The court instructed the jury that loss of ability to labor was pain and suffering. The only damages proved as claimed in the declaration were those included under the claim for mental pain and suffering. *Held*, the testimony was properly admitted and the charge was not erroneous. *City of Rome v. Ford* (Ga. 1913), 79 S. E. 243.

This case follows the doctrine laid down in *Atlanta Street Railroad Company v. Jacobs*, 88 Ga. 647; and in *Brush Electric Light & Power Company v. Simonsohn*, 107 Ga. 70, 32 S. E. 902; in which the court adopts the view that damages may be recovered for worry and mental suffering arising not only as the proximate result of the injury and the accompanying physical pain, but also for such suffering as arises from other causes, such as contemplation and reflection on the disfigurement and inability to labor and provide for self and family. This liberal view is entertained by the courts of several states, generally on the theory that it is no harder to ascertain the monetary equivalent of such suffering than it is to fix that caused by the physical pain itself, for which recovery is almost universally allowed. There is however a strong line of cases holding to the contrary on the ground that such suffering is too uncertain in nature to be compensated, and if allowed would tend to allow fraudulent claims. The situation is thoroughly reviewed in *Merrill v. Los Angeles Gas & Electric Co.*, 158 Cal. 499, 111 Pac. 534; the court there adopting the more liberal view of the principal case. That rule has been followed or countenanced in the following cases. *Citizens' Ry. Co. v. Branham* (Tex. Civ. App.) 137 S. W. 403; *Gray v. Washington Water Power Co.*, 30 Wash. 665, 71 Pac. 206; *Heddles v. Chicago etc. R. R. Co.*, 77 Wis. 228, 46 N. W. 115, 20 Am. St. Rep. 106; *Power v. Harlow*, 57 Mich. 1070, 23 N. W. 606; *The Oriflamme*, 3 Saury, 397, (Fed. Cas. 10572), *Atlanta & N. A. L. R. Co. v. Wood*, 48 Ga. 565; *Toledo, W. & W. Ry. Co. v. Baddeley*, 54 Ill. 19, 5 Am. Rep. 71; *Ballou v. Farmun*, 11 Allen (Mass.) 73; *Western & A. R. R. v. Young*, 81 Ga. 397, 7 S. E. 912, 12 Am. St. Rep. 320; *McMahon v. Northern etc. R. R. Co.*, 39 Md. 438; *Webb v. Railroad Co.*, 51 App. Div. 194, 64 N. Y. Supp. 491; *Railway Co. v. Dobbins*, 60 Ark. 481, 30 S. W. 887; *Schmitz v. R. R. Co.*, 119 Mo. 256, 24 S.W. 472, 23 L. R. A. 250; *Galveston R. R. Co. v. Clark*, 21 Tex. Civ. App. 167, 51 S. W. 276. The opposite view is entertained by the courts in the cases below, on the theory that the mental suffering must be the result of sensory impulses produced by the injury itself. *Chicago, R. I. & P. Ry. Co. v. Caulfield*, 63 Fed. 396, 11 C. C. A. 552; *Chicago, B. & Q. R. R. Co. v. Hines*, 45 Ill. App. 299; *Maynard v. Oregon R. & N. Co.*, 46 Ore. 15, 78 Pac. 983, 68 L.R.A.

477; *Linn v. Duquesne Borough*, 204 Pa. 551 54 Atl. 341, 93 Am. St. Rep. 800; *Southern Pacific Co. v. Hetzer*, 135 Fed. 274, 68 C. C. A. 26, 1 L. R. A. N. S. 288; *Johnson v. Wells Fargo & Co.*, 6 Nev. 224, 3 Am. Rep. 245; *Planters Oil Co. v. Mansell*, Tex. Civ. App. 43 S. W. 913; *Indianapolis & St. Louis R. Co., v. Stables*, 62 Ill. 313; *Augusta R. Co. v. Randall*, 85 Ga. 297, 11 S. E. 706; *Giffen v. City of Lewiston*, 6 Idaho 231, 55 Pac. 545; *Railroad Co. v. Chance*, 57 Kan. 41, 45 Pac. 60; *Bovee v. Danville*, 53 Vt. 183.

EXECUTION—SECOND EXECUTION WHERE JUDGMENT IN REM.—Where judgment against a nonresident is based on substituted service and seizure of property under an attachment, *Held*, that the judgment creditor has not such a lien against the attached property as will, after the sale thereof and redemption therefrom, support a second sale on execution for the deficiency. *Herron v. Allen*, (S. D. 1913) 143 N. W. 283.

It is the general rule that property redeemed from an execution sale may be sold under a second execution to satisfy any deficiencies left under the first sale. *Flander v. Aumach*, 32 Ore. 19, 51 Pac. 447, 67 Am. St. Rep. 504; *Wood v. Colvin*, 3 Hill 228; *State, ex rel Allen v. Sherill*, 34 Ind. 57; *Allen v. McGaughey*, 31 Ark. 252; *Bodine v. Moore*, 18 N. Y. 347; *Green v. Stobo*, 118 Ind. 332. It will be observed, however, that this rule and the different theories advanced in its support have all been predicated on the doctrine that the judgment creates a general lien. See *Flander v. Aumach*, *supra*; *Seaman v. Galligan*, 8 S. D. 277; *Campbell v. Maginnis*, 70 Ia. 589; *Clayton v. Ellis*, 50 Ia. 590. But where the judgment is one in rem and based on substituted service and attachment, it is evident that the above rule should have no application. There is by virtue of a judgment in rem no general lien but only a special lien. Whether we adopt the view that the judgment itself creates the lien, or that the lien is created by the attachment and exists in an inchoate state until fully established by the judgment, the essential nature of the lien is not altered. It is a distinct and special lien on specific property, and under the well established rule must be regarded as terminated by the sale of the specific property to which it attaches. In such case there can be no second execution and sale.

INJUNCTION—ENCROACHMENT OF BUILDING.—Defendant erected a brick building on his land immediately adjoining the land of plaintiff. Through a mistake of the building contractor, the side wall of the building was not exactly vertical and, beginning at a place eighteen feet from the ground and extending to the eaves, the wall overhung plaintiffs property about an inch and a half. Plaintiff brought suit in equity for a mandatory injunction to compel defendant to remove the overhanging part. *Held*, that an injunction was properly refused. *Combs v. Lenox Realty Co.* (Me. 1913) 88 Atl. 477.

The court laid stress on the fact that the encroachment was unintentional and that the damage to the plaintiff was much less than the damage which the defendant would suffer were he compelled to remove the wall. The question raised in this case is one upon which there is much conflict in the courts of the United States. In accord are,—*Lynch v. Union Inst. for Savings*, 159 Mass. 308; *Harrington v. McCarthy*, 169 Mass. 492; *Norton v. Elwert*, 29